SINGLE BENCH (1)

C.S. 1001

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IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION No.4448/2005.

PETITIONER:

Gopinath Sao, S/o Shri Jiwanlal Sao, aged about 54 years, R/o B.T.I Road , Mahasamund , Tehasil & District Mahasamund, Chhattisgarh

P.R. No. U 552/05 Advocate
Presented by
dated 6/9/05

VERSUS

RESPONDENTS:

1. State of Chhattisgarh Through the Secretary, Law & Legislative Department D.K.S. Bhawan, Mantralaya Raipur, Chhattisgarh.

2. District Judge, Raipur , District Raipur, Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUENCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBTION, CERTIORARI, AND ANY OTHER WRITS, DIRECTIONS OR ORDERS.

(31)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP No. 4448/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19.9.2005 Shri Alok Devangan, counsel for the petitioner. Shri Yashwant Singh Thakur, Govt. Advocate for the State. The petitioner has preferred this writ petition under Article 226 of the Constitution of India. The case of the petitioner is that he was appointed as Notary Public vide order dated 137.1998 for a period of five years. On 16.4.2003 the petitioner applied for renewal of his certificate to practice as Notary Public, but same was not renewed and the petitioner was communicated the said refusal vide memo dated 21.7.2004 issued from the office of the District & Sessions Judge, Raipur. Thereafter, the petitioner made a representation, but the same has also not been accepted. The impugned order (Annexure P-4) simply shows that renewal application was not allowed. The provisions of sub-section (2) of Section 5 of the Notaries Act, 1952 envisages about the renewal of certificate for a period of five years, but contrary to this provision, the application of the petitioner for renewal of certificate to practice as Notary Public has been rejected. Counsel for the petitioner submitted that in view of the judgment of this Court dated 24.3.2005 passed in	

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

W.P.No.3247/03 between Chandra Prakash Sharma Vs. State of C.G. & others and other connected matters, the respondents be directed to consider the case of the petitioner for renewal of his certificate to practice as Notary Public, to which learned Govt. Advocate for the State/respondents has no objection.

Having heard learned counsel for the parties, having regard to the facts & circumstances of the case, having regard to the provision of sub-section (2) of Section 5 of the Notaries Act, 1952 and having regard to the judgment of this Court, the respondent No.1 is directed to consider the application of the petitioner for renewal of his certificate to practice as Notary Public afresh in the light of the above judgment rendered by this Court.

The petitioner to approach the Law Secretary within a period of 15 days from today.

With the direction aforesaid, the petition stands disposed of.

Certified copy as per rules.

Sd/-
L.C.BHADOO
Judge

SP/FS/2005 - 20,000